IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Bail Appl..No. 836 of 2007()

CRIME NO.666/06 OF CHALAKUDY POLICE STATION

APPLICANTS/ACCUSED NOS.1,2,3,4,6,7 AND 8

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1. V.A.VARGHESE, S/O.ANTHAPPAYI,
   VALIYAVEETTIL HOUSE, NORTH CHALAKUDY,
   MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. ANNIE, W/O.VARGHESE,
   VALIYAVEETTIL HOUSE, NORTH CHALAKUDY,
   MUKUNDAPURAM TALUK.

3. ANITHA, D/O. VARGHESE,
   VALIYAVEETTIL HOUSE, NORTH CHALAKUDY,
   MUKUNDAPURAM TALUK.

4. SABU VARGHESE, VATTATHARA HOUSE,
   VADAKKUMPURAM P.O., ERNAKULAM.

5. PRASANNAKUMAR, S/O.VASUDEVAN,
   ANRUTHA, K.P.T.ROAD, CHALAKUDY.

6. PAULOSE, S/O/DEVASSY,
   MEECHACHERIL HOUSE, P.O.VAINTHALA.

7. SUKUMARAN, THAYYIL HOUSE,
   VASANTHA NAGAR, PATHURAIKKAL,THRISSUR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING S.I. OF POLICE,
CHALAKUDY POLICE STATION.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 836 OF 2007

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DATED THIS THE 12TH DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused 1 to 4 and 6 to 8 in Crime No.666/06 of Chalakudy Police Station for offences punishable under sections 120B, 406, 465, 468, 420 and 477A IPC, seek anticipatory bail. 1st petitioner is the Director of Urban Co-operative Bank, Chalakudy. The rest of the petitioners are the wife, daughter, son-in-law and alleged friends of the 1st petitioner.

2. The case originated on a complaint filed by the Director of the Bank by name C.L.Anto alleging misappropriation of funds by the petitioners.

3. Learned Public Prosecutor opposed the application submitting, inter alia, that the custodial interrogation of the first accused is inevitable.

4. After hearing both sides I am of the view that while petitioners 2 to 7 can be granted anticipatory bail, the 1st petitioner should be permitted to surrender before the Investigating Officer for the purpose of custodial interrogation and recovery of incriminating materials, if any, and then to have his regular bail application ordered by the Magistrate. Accordingly, 1st petitioner is directed to surrender

before the Investigating Officer on any day between 19.2.2007 and 22.2.2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. He shall thereafter be produced before the Magistrate concerned who shall release him on bail on appropriate conditions including one which shall oblige him to make himself available for interrogation as and when required by the Police.

5. A direction is issued to the Investigating Officer to release petitioners 2 to 7 on bail for a period of one month in the event of their arrest in connection with the above crime on each of them executing a bond for Rs.10,000/- with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. Petitioners 4 to 7 shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners 2 to 7 shall make themselves available for interrogation as and when required by the Investigating Officer.

3. Petitioners 2 to 7 shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners 2 to 7 shall not commit any offence while on bail.

5. Petitioners 2 to 7 shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If petitioners 2 to 7 commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed in part as above.

V.RAMKUMAR,JUDGE.

dsn